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69 Rec'd PCT/PTO 15 SEP 1999

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Suzanne De La Monte and Jack R. Wands

Appl. No. 09/380,203

Int'l Filing Date: February 26, 1998

For: **Transgenic Animals and Cell
Lines for Screening Drugs
Effective for the Treatment or
Prevention of Alzheimer's Disease**

Art Unit: To Be Assigned

Examiner: To Be Assigned

Atty. Docket: 0609.4370001

Request for Refund

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

It is requested that the amount of \$848.00 be credited to our Deposit Account No. 19-0036. It is asserted that credit for the following is due:

1. \$335.00 for basic fee amount.
2. \$ 65.00 for surcharge for furnishing the oath and declaration later than 30 months from the earliest claimed priority date (37 C.F.R.1.492(e)).
3. \$162.00 for total claims.
4. \$156.00 for independent claims.
5. \$130.00 for multiple dependent claims.

Credit is due for the following reason: Statement Claiming Small Entity is being filed concurrent with this Request for Refund, and therefore, applicant is now entitled to a reduction of one-half (½) of the filing fees.

A duplicate copy of this Request is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert W. Esmond
Attorney for Applicants
Registration No. 32,893

Date: Sept. 15, 1999

1100 New York Avenue, N.W.
Suite 600
Washington, D.C. 20005-3934
(202) 371-2600

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. § 371**

U.S. APPLICATION NO. (IF KNOWN, SEE 37 C.F.R. § 1.5)

09/380,203

INTERNATIONAL APPLICATION NO.

PCT/US98/03685

INTERNATIONAL FILING DATE

February 26, 1998

PRIORITY DATE CLAIMED

February 26, 1997

TITLE OF INVENTION

Transgenic Animals and Cell Lines for Screening Drugs Effective for the Treatment or Prevention of Alzheimer's Disease

APPLICANT(S) FOR DO/EO/US

Suzanne De La Monte and Jack R. Wands

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a FIRST submission of items concerning a filing under 35 U.S.C. § 371.
2. ☒ This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. § 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. § 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. § 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. § 371(c)(2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. § 371(c)(2)).
7. ☐ Amendments to the claims of the International application under PCT Article 19 (35 U.S.C. § 371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. § 372(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. § 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. § 371(c)(5)).

Items 11. to 16. below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 C.F.R. § 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. § 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.
14. ☐ A SECOND or SUBSEQUENT preliminary amendment.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information:
 - a. Request for Refund (in duplicate);
 - b. Statement Claiming Small Entity Status (37 C.F.R. §§ 1.9(e) and 1.27(d)) – Nonprofit Organization executed by The General Hospital Corporation; and
 - c. Statement Claiming Small Entity Status (37 C.F.R. §§ 1.9(d) and 1.27(c)) – Small Business Concern executed by the Nymox Corp.

U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.50) 09/380,203		INTERNATIONAL APPLICATION NO. PCT/U98/03685		ATTORNEYS DOCKET NUMBER 0609.4370001/RWE/RM	
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17. <input type="checkbox"/> The following fees are submitted:				CALCULATIONS	PTO USE ONLY
Basic National Fee (37 CFR 1.492(a)(1)-(5)): Search Report has been prepared by the EPO or JPO \$840.00					
International preliminary examination fee paid to USPTO (37 CFR 1.482) . \$670.00					
No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) \$760.00					
Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$970.00					
International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) \$ 96.00					
ENTER APPROPRIATE BASIC FEE AMOUNT = \$					
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
Claims	Number Filed	Number Extra	Rate		
Total Claims	- 20 =		X \$18.00	\$	
Independent Claims	- 3 =		X \$78.00	\$	
Multiple dependent claim(s) (if applicable)			+ \$260.00	\$	
TOTAL OF ABOVE CALCULATIONS =				\$	
Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity statement must be filed. (Note 37 CFR 1.9, 1.27, 1.28)				\$	
SUBTOTAL =				\$	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
TOTAL NATIONAL FEE =				\$	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover (37 CFR 3.28, 3.31). \$40.00 per property				\$	
TOTAL FEES ENCLOSED =				\$	
				Amount to be:	
				refunded	
				charged	\$

a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 19-0036. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit Under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO: STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C. 1100 New York Avenue, NW, Suite 600 Washington, D.C. 20005-3934	<div style="text-align: right; margin-bottom: 10px;"> </div> <div style="display: flex; justify-content: space-between;"> <div> Signature <u>Robert W. Esmond</u> Type Name </div> <div> Date <u>Sept. 15, 1999</u> </div> </div> <div style="margin-top: 10px;"> <u>32,893</u> Registration Number </div>
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**Statement Claiming Small Entity Status
(37 C.F.R. §§ 1.9(e) and 1.27(d)) -- Nonprofit Organization**

Applicant or Patentee: Suzanne De La Monte and Jack R. Wands
Appl. or Patent No.: To Be Assigned (U.S. National Phase of PCT/US98/03685) Attorney Docket No. 0609.4370001/RWE/RM
Filed or Issued: Int'l Filing Date: February 26, 1998
For: Transgenic Animals and Cell Lines for Screening Drugs Effective for the Treatment or Prevention of Alzheimer's Disease

I hereby state that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF NONPROFIT ORGANIZATION The General Hospital Corporation
ADDRESS OF NONPROFIT ORGANIZATION Fruit Street, Boston, Massachusetts 02114

TYPE OF NONPROFIT ORGANIZATION

- ☐ University or other institution of higher education
☒ Tax exempt under Internal Revenue Service Code (26 U.S.C. §§ 501(a) and 501(c)(3))
☐ Nonprofit scientific or educational under statute of state of The United States of America
(Name of state _____)
(Citation of statute _____)
☐ Would qualify as tax exempt under Internal Revenue Service Code (26 U.S.C. §§ 501(a) and 501(c)(3)) if located in The United States of America
☐ Would qualify as nonprofit scientific or educational under statute of state of The United States of America if located in The United States of America
(Name of state _____)
(Citation of statute _____)

I hereby state that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 C.F.R. § 1.9(e) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention described in:

- ☐ the specification filed herewith with title as listed above.
☒ the application identified above.
☐ the patent identified above.

I hereby state that rights under contract or law have been conveyed to and remain with the nonprofit organization regarding the above identified invention. If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention must file a separate statement indicating their status as small entities and that no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. § 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

Each person, concern or organization having any rights in the invention (other than the nonprofit organization named above) is listed below:

- ☐ no such person, concern, or organization exists.
☒ each such person, concern, or organization is listed below:

NAME Nymox Corp.
ADDRESS 9900 Cavendish Boulevard, Suite 306, St.-Laurent, Quebec H4M 2V2, CANADA
() INDIVIDUAL (X) SMALL BUSINESS CONCERN () NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate: (37 C.F.R. § 1.28(b)).

NAME OF PERSON SIGNING DAVID J. GLASS, Ph.D.
TITLE IN ORGANIZATION ASSOCIATE DIRECTOR FOR PATENTS
ADDRESS OF PERSON SIGNING Office of Technology Affairs
SIGNATURE [Signature] DATE 8/31/99

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 New York Avenue, N.W. • Suite 600 • Washington, DC 20005-3934 • (202) 371-2600

